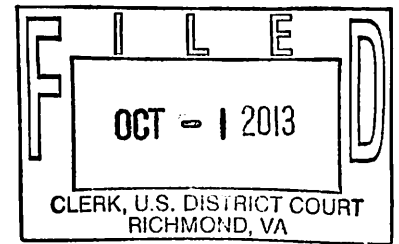


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA,

v.

Criminal Action No. 3:06CR253

PACQURICE FISHER,

MEMORANDUM OPINION

Pacurice Fisher, a federal prisoner proceeding pro se, submitted this petition for a writ of habeas corpus. In the United States District Court for the Eastern District of Virginia, all pro se petitions for writs of habeas corpora must be filed on a set of standardized forms. See E.D. Va. Loc. Civ. R. 83.4(A). Accordingly, by Memorandum Order entered on February 13, 2013, the Court mailed Fisher the standardized form for filing a § 2255 motion. The Court directed Fisher to complete and return the form to the Court within fifteen (15) days of the date of entry thereof. The Court warned Fisher that the failure to complete and return the form in a timely manner would result in dismissal of the action. See Fed. R. Civ. P. 41(b).

More than fifteen (15) days have elapsed since the entry of the February 13, 2013 Memorandum Order and Fisher has failed to complete and return to the Court the standardized form for

filing a 28 U.S.C. § 2255 motion. Accordingly, the action will be dismissed without prejudice.

An appeal may not be taken from the final order in a § 2255 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" Slack v. McDaniel, 529 U.S. 473, 484 (2000) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 & n.4 (1983)). No law or evidence suggests that Fisher is entitled to further consideration in this matter. A certificate of appealability will therefore be denied.

The Clerk is directed to send a copy of the Memorandum Opinion to Fisher.

An appropriate Order shall issue.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *October 1, 2013*